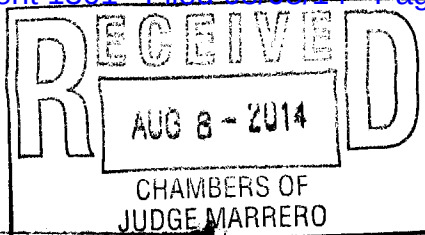


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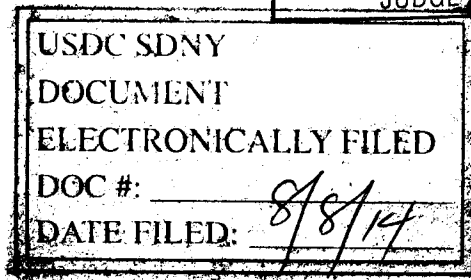
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August 7, 2014

Via Federal Express

Honorable Victor Marrero
United States District Judge
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007-1312



**Re: *Anwar, et al. v. Fairfield Greenwich Limited, et al.*,
Case No. 09-cv-118 (VM)(THK), Standard Chartered Cases**

This correspondence relates to: *Barbachano v. Standard Chartered Bank International (Americas) Limited, et al.*, 1:11-cv-03553-VM

Dear Judge Marrero:

I write on behalf of Plaintiff Teresa Barbachano, one of the Plaintiffs in the Standard Chartered Cases ("SC Cases").

On May 8, 2013, the Court granted plaintiffs leave, in light of the Florida Supreme Court's decision in *Tiara Condo Ass'n Inc. v. Marsh & McLennan Companies, Inc.*, 110 So.3d 399 (Fla 2013), to amend their complaints to re-plead negligence claims that were previously "dismissed or disallowed on the basis of Florida's economic loss rule as previously applied by Florida courts." (*See* Tab A, Dkt. Entry No. 1137 (Order)). In so ruling, the Court advised the parties to attempt to agree upon a uniform negligence count that covered each Plaintiff's negligence claim. However, to date, no agreement has been obtained.

Accordingly, Ms. Barbachano requested that counsel for the SC Defendants agree to a proposed negligence count in her case that merely deleted the word "gross" from her existing gross negligence count. In other words, her negligence count would be identical to her gross negligence count with respect to each factual allegation. Thereafter, the parties attempted but have been unable to reach a stipulation with regard to this matter.

Ms. Barbachano, therefore, respectfully submits her proposed Second Amended Complaint, which includes a negligence count that merely deletes the word "gross" from her existing gross negligence count, doing so without agreement from opposing counsel, and respectfully requests that the Court grant leave for its filing.

Honorable Victor Marrero

August 7, 2014

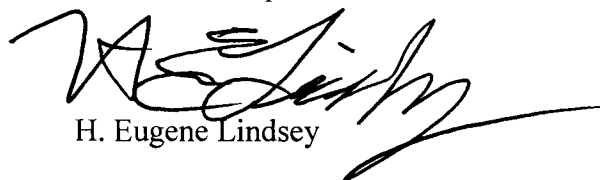
Page Two

In addition, we note, in the abundance of caution, that the Court also previously ordered the dismissal of Count I (state securities law violation under Fla. Stat. §§ 517.301 & 517.211(2)), Count III (fraud, including fraudulent concealment), and Count V (negligent misrepresentation) of Ms. Barbachano's Amended Complaint. (See Dkt. Entry No. 995 (Order of Oct. 24, 2012)). The Court's Order, however, did not expressly state whether the dismissal of those counts was with or without prejudice. Thus, to preserve Ms. Barbachano's rights, we have included those counts in the Second Amended Complaint and respectfully request that the Court clarify whether the dismissal of those counts is with or without prejudice. We have previously requested that counsel for the SC Defendants agree to our request that the dismissal be deemed with prejudice so as to protect Ms. Barbachano in any future appeal. However, as we have been unable to reach a stipulation with respect to Ms. Barbachano's negligence count, we have also been unable to reach a stipulation with regard to this procedural issue.

Thank you for your time and consideration of this matter.

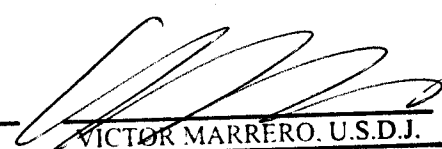
Respectfully submitted,

Katz Barron Squitero Faust



H. Eugene Lindsey

cc: Via E-mail to Counsel in the Standard Chartered Cases with Attachments

| | |
|---|--|
| The Clerk of Court is directed to enter into the public record of this action the letter above submitted to the Court by <u>plaintiff Teresa Barbachano</u> . | |
| SO ORDERED. | |
| <u>8-7-14</u> DATE |  VICTOR MARRERO, U.S.D.J. |